

MINUTES
PERSONNEL COMMITTEE

Thursday, October 16, 2014

City Hall, Room 207

5:35 p.m.

Members Present: Ald. Andy Nicholson, Ald. Guy Zima, Ald. Thomas Sladek, Ald. Thomas DeWane

Others Present: Mayor Jim Schmitt, Ald. Joe Moore, Ald. Dave Nennig, Lynn Boland, Tom Molitor, Dawn Foeller, Dawne Cramer, Rod Goldhahn and others.

1. Roll Call.

2. Adoption of the Agenda.

A motion to adopt the agenda was made by Ald. Sladek, seconded by Ald. DeWane. Motion carried unanimously.

3. Approval of the minutes of the meeting of September 30, 2014.

A motion to approve the minutes of the meeting of September 30, 2014 was made by Ald. DeWane, seconded by Ald. Sladek. Under discussion, Ald. Zima questioned if the minutes were changed. HR Director Lynn Boland commented the minutes were not referred back. Ald. Zima requested the minutes be held back for review as these were incomplete minutes, and he thought Ald. DeWane had already requested this. Ald. DeWane stated he asked that full, more accurate, minutes are provided; however, the minutes of the meeting of September 30, 2014 were not referred back.

A motion to hold minutes and refer back to Human Resources to be reviewed for more detailed minutes to include additional discussion regarding Economic Development was made by Ald. Zima, seconded by Ald. DeWane. Motion carried unanimously.

4. Request to fill the following positions and all subsequent vacancies resulting from internal transfers.

a. Building Custodian II – City Hall Maintenance

A motion to approve the request to fill Building Custodian II position in City Hall Maintenance and all subsequent vacancies resulting from internal transfers was made by Ald. DeWane, seconded by Ald. Sladek. Motion carried unanimously.

b. Planner II – Community Services Agency

A motion to approve the request to fill Planner II position in Community Services Agency and all subsequent vacancies resulting from internal transfers was made by Ald. DeWane, seconded by Ald. Sladek. Motion carried unanimously.

c. Park Maintenance Worker – Parks, Recreation & Forestry

A motion to approve the request to fill Park Maintenance Worker in Parks, Recreation & Forestry and all subsequent vacancies resulting from internal transfers was made by Ald. DeWane, seconded by Ald. Sladek. Motion carried unanimously.

5. Request by Police Department to overhire 1-Police Captain and 1-Police Lieutenant beginning November 17, 2014 through the end of the year.

HR Director Lynn Boland stated this request is being made by the Police Department. The Police Department has a Captain retiring at the end of the calendar year. Chief Molitor is requesting the Captain position and subsequent Lieutenant vacancy be filled in advance of retirement, in November, to allow adequate time for training purposes.

Police Chief Tom Molitor commented that the Police Department has been working throughout the year to develop a training program for new supervisors and Captains. This is an opportunity for the new Captain and Lieutenant to be trained using the new supervisor training academy and be ready to take over the new position in December.

Ald. DeWane raised a question as to the details of this training. Chief Molitor stated that this training has never been used. The Police Department has identified several deficits, particularly with the Lieutenants, in a number of different areas related to lack of training. The Captains and Shift Commanders are ready to provide some of the training to the Lieutenant and Captain. This will be a good way to starting off the new year with the new Captain and Lieutenant. The Lieutenant is taking the Captain Exam. He will be promoted and Chief Molitor will need to fill the position the Lieutenant vacates. This will provide an opportunity for both to go through the training at the same time. The Police Department is planning to have all supervisors go through this training over the course of the next calendar year.

Ald. Zima commented on the items later in the agenda regarding hiring consultants regarding the Green Bay Police Department organization and discussion of bringing back sergeants in the Police Department. Ald. Zima questioned whether this decision on the over hire should be held until these other items are discussed. Ald. Zima questioned whether the table of organization would have changes. Ald. Nicholson stated there is a possibility the table of organization could change based on the requests from Ald. DeWane to look at bringing back sergeants and hiring a consultant to study the organization and discuss any cost savings. Ald. Nicholson agrees with Ald. Zima that the decision to over hire should be held until the other two issues are settled.

Ald. Sladek commented that this request should be approved as this is a routine matter with an individual retiring in a couple of months. In the past there have been discussions encouraging people to look ahead and be proactive so that there isn't a gap when individuals retire. In this case Ald. Sladek doesn't believe that a study could be done in a timely manner that a gap could be prevented and Chief Molitor has stated that the additional costs are funded in his 2014 budget. Ald. Sladek would like to see this go ahead.

Chief Molitor stated that if the department does not have a Captain and Lieutenant ready, the department will incur overtime almost immediately and overtime is not planned in the next budget. Ald. Nicholson asked for confirmation that without one Captain and one Lieutenant overtime would be incurred. Chief Molitor stated that the department needs someone to fill both spots. Ald. Zima continued discussion that positions have gone unfilled in the past many times, and there have been discussions in the past about the potential of having fewer captains or fewer lieutenants. Ald. Zima also commented that training these two individuals will have no effect on changes that could be made to the table of org in the future.

Ald. Nicholson questioned whether the Lieutenant currently with the drug task force who is "floating around" could be utilized at this time. Chief Molitor stated that another Lieutenant will be in that role after the first of the year and that is a training program. Chief Molitor stated he would invite any studies the Committee wants to do; however, he is responsible for managing a budget and if overtime will be included that hasn't been planned for, he will need to find where those funds will come from. Chief Molitor addressed Ald. Zima stating he appreciates that Ald. Zima believes that the department can be successful with fewer supervisors, but Chief Molitor doesn't believe they can be. Ald. Zima stated that he believes the department has quite a few supervisors, and the upcoming discussion on bringing back sergeants brings up the idea of having more people working on the streets and less in the supervisory role. If sergeants are brought back, their function is to serve in a supervisory role as well. Ald. Zima questioned if there is a large cost associated with the over hire. Chief Molitor stated the cost is \$2,600. Ald. Zima commented that these two individuals would likely be utilized regardless of any changes to the organization; therefore, it would likely be alright to go ahead with the over hire.

A motion to suspend the rules for interested parties was made by Ald. Zima, second by Ald. Sladek. Motion carried unanimously.

Maureen Kuiawa stated she supports the Chief in the over hire to get these two individuals trained in time for a smooth transition so they can effectively do their jobs and protect the people of the city. She does not believe that the cost associated with over hire would make a large dent in any budget.

A motion to close the floor was made by Ald. Sladek, second by Ald. Zima. Motion carried unanimously

Ald. Nicholson stated he will not support the over hire because he feels the City of Green Bay table of organization is top heavy in comparison with other Police Departments. He does not believe the department can't go without a Captain or Lieutenant without creating overtime when there is a Lieutenant available to be utilized at this time.

A motion to approve the request by the Police Department to over hire 1-Police Captain and 1-Police Lieutenant beginning November 17, 2014 through the end of the year was made by Ald. Sladek, second by Ald. Zima. Under discussion, Ald. Zima questioned the number of Captains on day shift. Chief Molitor stated there are District Captains who work whenever they need to in their district so he can't say there are day shift Captains. Some are there during the day. There are three Shift Captains that run their shifts. One is day, one is afternoon, and one is night. Another Captain is in charge of operations. Another is in charge of investigations. There are also District Captains. The Captain retiring is a Shift Captain for nights. Ald. Nicholson asked for clarification on the shift the individual retiring works on and the shift being hired for. The individual retiring is a District Captain. The District Captain position will be filled with a more seasoned Shift Captain and the open position will be a night Shift Captain. Ald. Nicholson questioned if the Lieutenant being promoted has worked nights before and whether he has passed all the exams and interviews to become a Captain. Chief Molitor clarified that the Lieutenant has worked the night shift as a Lieutenant which comes with very different responsibilities than that of a Captain. The Captain's responsibilities are to run the shift and make sure everything goes according to policy. They need to be up to date on policy changes. They ensure Lieutenants are conducting their evaluation and all the responsibilities that go into managing a shift. Ald. Nicholson clarified that Lieutenants, to be promoted as Captains, need to know the job for the next level to be able to pass the tests and interviews. Chief Molitor stated that they don't know what the job is and this does need to be taught to them, but this is the idea for the new training academy. With no further discussion, motion carried on a 3-1 vote with Ald. Nicholson voting no.

6. Request to review and discuss, with possible action, the following items regarding Economic Development.
 - a. Review of job descriptions developed following the guidelines and discussions by the Council and budget and salary recommendations.

HR Director Lynn Boland stated a packet was sent to Personnel Committee members on Tuesday, October 14, 2014. The packet included an overview of the current structure, job summaries and salary ranges. Currently there is an Economic Development Director reporting directly to the Mayor. Then there is a Project and Program Manager and Business Development Specialist reporting to the Director. There has been some discussion on potential changes to the job description. HR has included suggestions in the packet. One change to be considered is for the Project and Program Manager and Business Development Specialist to perform similar duties. Also included in the packet is structure

information on other city Economic Development Departments. The City of Madison has a fairly large Planning Department and within the department is an Economic Development Division. Information on the City of Appleton is also included. The City of Eau Claire structure was also reviewed and summarized. Job descriptions for the current positions with the City of Green Bay are included in the packet followed by copies of org charts for the City of Madison and the City of Appleton. A question was asked as to whether the City of Appleton's Economic Development is under the Planning Department. Director Boland confirmed that it is under the Planning Department which the City of Appleton calls Community Development.

Ald. Zima commented that what was requested at the previous Personnel Committee was a job description of one person in the department who would be in charge of retention and expanding existing business and another job description for someone who would be in charge of seeking out new business, doing outreach and reporting back to the personnel or finance committee or even an economic development committee, which Ald. Zima would recommend to be created, so that there is a committee monitoring the activities of the department. Ald. Zima commented that there was also discussion on creating a fund to utilize individuals in the private sector who are in commercial real estate to help fill store fronts, empty lots, etc so that people outside of the department can bring forth this type of development. This would allow utilization of the existing professional market out there that works on a commission basis. Ald. Zima stated that he thought this information was going to be included, and he feels very strongly that the Economic Development Department should not be under the Mayor's Office. The Council has not been informed well enough in the past and Ald. Zima feels that a conduit is needed to be more informed so that the Council can participate in the planning and development of the city. Ald. Zima stressed that this in addition to more complete minutes being kept to keep the Council and the public more informed on decisions taking place in regards to the planning and development of the city. In the past, many transactions have taken place in closed session with no information reported out or documented completely in the minutes.

A motion to receive and place on file the report by Human Resources regarding the development of job descriptions, budget and salary ranges for the Economic Development Department was made by Ald. DeWane, second by Ald. Sladek. Motion carried unanimously.

- b. Request to fill the Economic Development Director position and all subsequent vacancies resulting from internal transfers.

A motion to move Economic Development under the Director of the Community Services (Planning) Department including business retention and new business development and request the Community Services Director to bring back an organizational structure with a recommendation for position and salary; and to have an Economic Development Committee receive reports regarding economic development activity to provide more transparency for the public and Council;

and to discuss the appropriate salary level for the Community Services Director if the reorganization is approved was made by Ald. DeWane, second by Ald. Sladek. Ald. Sladek questioned what is meant by "report to the Economic Development Committee." Ald. DeWane responded that the City has an Economic Development Committee now and the Committee would be for information tracking purposes. Ald. Sladek asked for confirmation that this committee would not be created for the purpose of a reporting line. Ald. Zima questioned how the information from the Economic Development Committee would be reported to council. Ald. Nicholson stated there would likely be minutes or the method of reporting could be discussed. Ald. Zima stated he would like to get something in place where the Council is more involved in the activity taking place in the Economic Development Department. Ald. Zima stated there is no reason why the budget can't be enhanced to get the professional commercial real estate people in the community to work. Ald. DeWane discussed with Ald. Zima that if this plan is approved, an additional communication can be made around budget time to allow for the budget enhancement. With no further questions or discussion, the motion carried unanimously

- c. Request to reclassify the Economic Development Director position from Pay Grade 39 to Pay Grade 41.

A motion to receive and place on file the request to reclassify the Economic Development Director position from pay grade 39 to pay grade 41 was made by Ald. DeWane and seconded by Ald. Zima. Motion carried unanimously.

- 7. Review and discussion, with possible action, the revised language regarding the process of submitting communications to Committees.

A motion to hold until the next Personnel Committee meeting the revised language regarding the process of submitting communications to Committees made by Ald. DeWane, second by Ald. Sladek. Motion carried unanimously.

- 8. Referred back from City Council for further discussion with possible action, contracting for an attorney to advise the Council on any issue at a contract salary of \$30,000 per year.

A motion to include this in the budget was made by Ald. Zima, second by Ald. DeWane. Ald. DeWane stated he referred this item back from City Council because of emails the attorney was emailing to the Council with statements of the cost for Attorney Mohr. Instead of just a cost that the Council retained him as a County Board Attorney additional costs were categorized along with it. It appeared that the attorney was paid \$107,000. What wasn't stated in the emails was that the County retained Attorney Mohr to do contract costs and other HR related items. There was confusion on the costs. This appeared to be a diversion to try to show that more was being paid to the attorney. The amount paid to the attorney was \$3,000 a month specifically for the work for Council. He came to meetings, represented the Council on the County Board and answered anyone's calls on the Board. Ald. DeWane wanted to point out that there were three

different contracts. Two were from administration and one was from the County Board for \$3,000 to retain the attorney for County Board business.

Ald. Nicholson questioned why the City Attorney would include these additional costs rather than be specific on the concern. Council's issue is strictly contract, nothing else, and our City Attorney included additional information that isn't part of the communication and issue of the City to make it look like we are spending more than \$30,000. Ald. Sladek stated that with these concerns on the table, this matter should be held until these concerns can be addressed at the next meeting. Ald. Sladek also addressed that in the emails from the City Attorney, there were specific legal questions raised as to whether it was legal for Council to contract an advising attorney citing specific statutes. He also copied the Committee on a letter to the Legal Director of the League of Wisconsin Municipalities for their opinion on his assertions on whether it was legal for the Council to do this. Ald. Sladek would like to wait for the response to this letter before making a decision on this issue.

Ald. Zima stated there is no question in his mind whether the Council has the right to contract an attorney. Ald. Zima is certain the Council has the right if they want to. Ald. Zima stated that the experience at the County was very positive. Things ran very smoothly at the County with the attorney. Ald. Zima commented on the argument that contracting an attorney could create conflicts. His opinion is that these conflicts would be beneficial in that they would raise red flags and require individuals to look further into these issues. Ald. Zima stated that, to the contrary, in the County there was not much conflict. They worked together pretty well. The fact that there was a tool for the legislative branch made the administration think twice before putting forward issues that they thought they may be questioned. Ald. Zima stated that his experiences over his 39 years here have been that the City Attorney essentially works for the administration, and there is no other opinion or no one who can counter the word of the City Attorney. Ald. Zima stated he believes that someone with expertise can be contracted for \$30,000 to allow the Council to have a tool to strengthen the legislative influence. Ald. Zima stated he believes that there currently is a very strong administrative influence and a weak legislative influence because the Council has no tools, and there are no resources for Council to check on concerns. Ald. Zima stated the Council should also have an administrative assistant and a research specialist, so that issues and questions from Council can be researched.

Ald. Sladek stated that he appreciates Ald. Zima's confidence that there is no legal concern in contracting with an attorney; however, the City Attorney has raised specific legal questions whether there is statutory language that prohibits this. Ald. Sladek questioned Ald. Zima whether it would matter to him if the League of Wisconsin Municipalities came back and agreed with Attorney Mueller that there would be legal issues contracting an attorney. Ald. Zima stated that there are no legal issues with what the Council is looking to have the contracted attorney do. There would be legal issues if Council was looking to subrogate or

end the authority of the City Attorney's office; however, Council is not looking to do this.

Ald. Sladek commented that the question Attorney Mueller sent to the League of Wisconsin Municipalities read, "May the Common Council contract for legal representation to advise the Council, sub-committees, and individual alderpersons on all law business that comes before him." Ald. Sladek stated this seems like a fair representation on what is being proposed, and questioned how this question was being characterized as being manipulative. Ald. Zima stated he would need to review the question again, but he doesn't agree that the Council can't have an advising attorney because they have had one. The County had a similar situation with a contracted attorney. Ald. Sladek stated that the City Attorney pointed out that the County is controlled under different statutes than the City, so exploring this makes sense before making the decision to contract an attorney. With no further discussion, motion was denied unanimously.

A motion to hold until the next Personnel Committee meeting contracting for an attorney to advise the Council on any issues at a contract salary of \$30,000 per year was made by Ald. DeWane, second by Ald. Sladek. Motion carried unanimously.

9. Request by Ald. Tom DeWane to look at bringing back sergeants in the Police Department with possible action.

A motion to hold until the next Personnel Committee meeting the request by Ald. Tom DeWane to look at bringing back sergeants in the Police Department with possible actions made by Ald. DeWane, second by Ald. Sladek. Motion carried unanimously.

10. Request by Ald. Tom DeWane, to discuss with possible action, hiring an outside consultant to study the Green Bay Police Department organization and discuss any cost savings the consultant may bring forward.

A motion to hold until the next Personnel Committee meeting the request by Ald. Tom DeWane to discuss with possible action, hiring an outside consultant to study the Green Bay Police Department organization and discuss any cost savings the consultant may bring forward made by Ald. DeWane, second by Ald. Zima. Motion carried unanimously.

11. Request by Ald. Nicholson to review the policy for K-9 officers on call to keep their squads at home.

HR Director Lynn Boland referred to the current City Vehicle Use Policy 11.5. Within the policy section 11.5.5 refers to the Criteria for Taking Home Vehicles specifically referring to positions requiring "On Call" status and/or employees required to leave home and respond to emergency situations. Number 2 of this section states "If a Police or Fire Department employee is assigned a take home vehicle and that individual resides outside the corporate City limits, they will not

be allowed to take the City vehicle home.” Director Boland stated her understanding based on the information given is that the officer in question lives outside the City limits. The department is willing to allow the individual to take home the car if he pays the mileage differential between the city border and his home, and the K-9 officer has declined to do that. He would be allowed to take the vehicle home; however, he would be required to pay the per mileage rate between the city border and his home which would probably cost under \$40 a month.

Ald. DeWane questioned Chief Molitor on an emergency call with this officer whether he would need to go to the Police Station to get his car before going to the site of the call. Chief Molitor stated he would; however, this officer has only had 3 emergency calls since 2010.

Ald. Zima questioned how far outside of the City limits this officer lives. Chief Molitor stated that he lives less than 2 miles outside of the City limits. Chief Molitor spoke with the officer about this issue. The officer has been using his own car for the last several years and has no issues with it and he would not be inclined to be paying any monthly cost. He is the only officer who lives outside of the city, and since 2010 he has only been called in 3 times.

A motion to suspend the rules for interested parties was made by Ald. Zima, seconded by Ald. DeWane. Motion carried unanimously.

Scott Vanidestine stated he brought this issue forward. Mr. Vanidestine stated he feels this is a safety issue. If something happens near his residence, this officer needs to run all the way to the Police Station and come back. If the officer is on his way to work and gets into a car accident and someone opens the car door, Mr. Vanidestine questioned who is liable if the dog bites them. Mr. Vanidestine believes the officer should be able to take the vehicle home. A question was asked of Mr. Vanidestine regarding where the officer lives. Mr. Vanidestine stated the officer lives a tenth of a mile from his house, on just the other side of Hwy 43. A question was asked regarding where the 2 mile statistic came from. It was answered that the 2 miles came from entering the officer’s address into mapquest which came to 1.84 miles.

Chief Molitor spoke to a misconception that this officer gets an initial call and he has to respond. This is not how it works. If there are a number of officers working and an incident occurs, a perimeter is set up around the affected area and then the call is made for a dog. If it takes 15-20 minutes, this is not an unusual circumstance. A question was asked regarding where in the policy it states that the mileage differential needs to be paid by the officer to take the vehicle home. Chief Molitor stated this is not a policy or practice, but it was a possible solution if an officer stated they absolutely wanted that. Chief Molitor brought up a different officer who lives within the city who does not want a squad at his residence due to a neighborhood issue and needs to drive to the Police Station in order to get his squad car. Another question was raised on the difference between how this issue is addressed for “On Call” personnel in other departments versus Police

and Fire. Chief Molitor clarified this question by stating that these individuals are not on call. They can receive a call and be asked if they are able to respond. If they are unable to respond, another officer is called. This accounts for the difference in policy. Ald. DeWane questioned the measurement of the distance the officer was outside of the City limits. Chief Molitor took the property where the officer lives and picked the closest street where the City limits cross to come to 1.84 miles. Ald. DeWane questioned if the Police Department would have an issue if the Personnel Committee made a motion to allow this officer to take his car home at no cost if he chose to. Chief Molitor said that if the committee doesn't want to follow the policy that is up to the committee.

Maureen Kuiawa stated she feels the officer should be allowed to take the vehicle home with him, even if it is that short distance out of the City limits just for ease of getting into work and getting ready. This would allow for an easy transition with unexpected situations. She commented on Chief Molitor's statement that this officer has only been called in 3 times since 2010 but unexpected events could occur. The time it takes to go to the Police Station and transition to the squad car and go to the site could cause problems.

A motion to return to regular order of business was made by Ald. DeWane, second by Ald. Sladek. Motion carried unanimously.

A motion was made to approve an exception to let the officer at his discretion take the city vehicle home for easier compliance to take the dog to and from work was made by Ald. Zima, second by Ald. DeWane. Ald. Sladek wanted to clarify that this is unique to this officer and this situation. It was clarified that this is unique to this officer and situation. Ald. Moore mentioned that issues could be raised with the City of Green Bay squad car being parked in a Bellevue neighborhood, and the City of Bellevue should be addressed as to whether they have concerns. Ald. Moore also raised the issue of the squad car, which is a city asset, would be sitting outside of the city limits not being used. Ald. DeWane responded to Ald. Moore's concern with the City of Bellevue that he receives calls from individuals living in the area the officer lives in. These individuals believe they are living in the City of Green Bay because they have a Green Bay address. An individual responded to Ald. Moore's concern on the city asset sitting outside the City limits not being used by stating that the squad car is assigned to the specific officer, and no one else is using it when the officer is off duty. It was clarified that the only way the squad car would be used by another officer is if another K-9 unit is down. With no other discussion on the floor, motion carried unanimously.

12. Request by Ald. Nicholson to review overall employee levels and to have Human Resources provide a report that shows the number of full time, part time and temporary employees by year since 2002.

Ald. Nicholson clarified that the data on the employee levels indicates the number of employees in the given year by department and questioned whether government has grown, stayed the same, or shrunk. Director Boland stated that

the numbers show a decrease from 2002 to 2013. Director Boland stated these numbers come from the report Finance provides to the state and 2014 has not been included in that report yet. There will be 6 less employees in 2014 because of changes in the sanitation area.

A motion to receive and place on file the review of overall employee levels regarding the number of full time and part time employees by year since 2002 was made by Ald. Nicholson, second by Ald. Sladek. Motion carried unanimously.

13. Report of Routine Personnel Actions for regular employees.

A motion to receive and place on file the report of Routine Personnel Actions for regular employees was made by Ald. Sladek, seconded by Ald. DeWane. Motion carried unanimously.

14. Update and discussion regarding labor negotiations.

- a. Fire Fighters
- b. Police Supervisory

A motion to convene in closed session for items 14a and 14b was made by Ald. Sladek and the closed session language was read. Motion was seconded by Ald. DeWane and carried on roll call vote.

Reporting out of closed session, a motion to advise staff to provide a report to the full City Council regarding Fire Fighter labor negotiations and have staff provide additional information at the next Personnel Committee meeting regarding Police Supervisory labor negotiations was made by Ald. Zima, and seconded by Ald. DeWane. Motion carried unanimously.

There being no further business, a motion to adjourn was made by Ald. DeWane and seconded by Ald. Zima at 7:45 p.m. Motion carried unanimously.

Respectfully submitted,
Lindsay Kiesow
Recording Secretary